

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

AIMEE BEVAN, as Personal Representative
of the Estate of Desiree Gonzales, deceased,

Plaintiff,

vs.

Civ. No. 15-73 KG/SCY

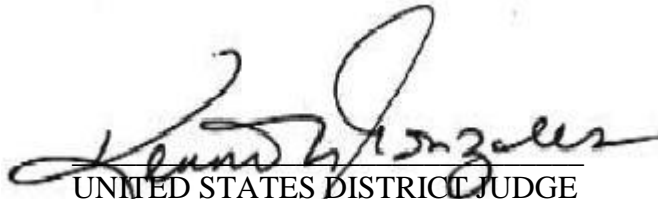
GABRIEL VALENCIA, Youth Development
Administrator, Individually, MATTHEW
EDMUNDS, Corrections Officer, Individually,
JOHN ORTEGA, Corrections Officer,
Individually, MOLLY ARCHULETA, Corrections
Nurse, Individually, and NATHAN PAUL
UNKEFER, M.D.,

Defendants.

ORDER DENYING MISTRIAL

This matter comes before the Court upon Plaintiff's oral motion for a mistrial made on September 18, 2018, during the trial of this case. For the reasons stated on the record, including that (1) Plaintiff objected to Mr. Mark Komer's inclusion of certain allegations in his opening statement, albeit after Mr. Komer concluded his opening statement; (2) the Court informed the jury prior to Mr. Komer's opening statement, through the reading of the Preliminary Jury Instructions, copies of which the jury has during trial, that opening statements and argument of counsel are not evidence; and (3) the final jury instructions will, likewise, inform the jury that argument of counsel is not evidence, the Court denies Plaintiff's oral motion for a mistrial.

IT IS SO ORDERED.



UNITED STATES DISTRICT JUDGE